

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
3/12/2001

WATER RIGHT NUMBER
S3-30317

MAILING ADDRESS
Ruth and Micheal Walker
2363A Burnt Valley Road
Chewelah WA 99109

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Diversion

DIVERSION RATE
0.02

UNITS
CFS

ANNUAL QUANTITY (AF/YR)
0.5

Purpose

PURPOSE	DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
In house Domestic supply	0.02		CFS	0.5		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA		
STEVENS	MCKINNON CREEK	NORTH FORK DEEP CREEK	61-UPPER LAKE ROOSEVELT		

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
MCKINNON CREEK	5668000		39 N.	41 E.	11	NW¼NW¼	48.90696	117.60188

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

5668100

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

S½NW¼NW¼ of Section 11, T. 39 N., R. 41 E.W.M.

REPORT OF EXAMINATION

Proposed Works

2 inch PVC gravity feed to residence

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Complete	In use

Provisions

Department of Fish and Wildlife Requirement(s)

A small concrete abutment and a three-foot half arch culvert are installed in the creek.

The construction of the facilities for the appropriation of water under the application may require removal of material from or adjacent to a stream channel or watercourse. A Hydraulic Approval may be obtained from the Department of Fish and Wildlife prior to commencing work.

This authorization may be subject to Washington Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (360) 902-2534, to obtain specific requirements for your project.

If it is determined a screen is required, the intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria.

<http://wdfw.wa.gov/about/contact/>

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purposes of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-30317, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 7th day of January, 2015.



Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30317.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Statesman Examiner on October 10 and 17, 2001 and no protests were received.

Consultation with the Department of Fish and Wildlife

RCW 90.03.280 requires the Department to send notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. The Department of Fish and Wildlife provided written comments on March 26, 2001 and November 15, 2001. These comments will be addressed later in the report.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A site visit was conducted July 28, 2014. The applicant was present. The applicant has a recreational log cabin and outbuildings. No lawn or other outside irrigation is developed or planned. The applicant requests in-house domestic use only.

The diversion is a 2 inch pvc pipe in the creek. The pvc sits in a small natural pool and requires priming to begin flowing. It does not run continuously for domestic use. The pipe runs a few hundred feet down an old skid road to the residence. A tee in the line also diverted water to flow over a hydraulic wheel and discharge into two small ponds. The overflow of the ponds then flows into the valley. No power is

available on site. The applicant's original request for the use of the water for a small hydropower plant and pond(s) is no longer requested.

The creek was flowing approximately 0.3 cfs (135 gallons per minute) at the time of the field investigation. The creek bed is clear of vegetation and fast flowing. The creek has multiple 3 to 4 foot drops.

Beneficial Use

Single domestic supply is a beneficial use. Ten gallons per minute (0.02 cfs), 0.5 acre-feet per year should be sufficient for in-house single domestic supply.

Consideration of Comments

The Department of Fish and Wildlife submitted comments on March 26, 2001, November 15, 2001 and September 23, 2014. The comments were based on the original application including the request for hydropower. The first recommendation was to deny the application due to the probability of fish resources present and conditions of habitat. They asked to hold the application pending field review. The second letter also recommends denial of the application for use in excess of in-house domestic use due resident downstream fish populations but recommended a 1.0 CFS bypass flow, although they do not object to the diversion for in-house domestic use provided a Hydraulic Project Approval (HPA) is obtained and if needed an approved fish screen is installed.

The flow of the creek at the time of the field examination was approximately 0.3 cfs. The in-house domestic use is the only available source for the house. Well construction is not an option and power is not available.

The Department of Fish and Wildlife also recommends the applicant obtain a Hydraulic Project Approval (HPA) and screening requirements would be determined at that time if the stream is accessible for fish.

Water Availability

An analysis of water availability must take into account not only the physical limitations on the source of supply, but the legal availability as well. There is sufficient water for in-house single domestic supply.

Therefore, water for in house single domestic supply is available for appropriation.

Impairment Considerations

A review of department records was conducted for existing water rights, permits, and claims within the vicinity of the proposed diversion.

There are no rights of record within the vicinity of the diversion. A pending senior water right application G3-30220 is requesting 0.03 cfs for domestic use from an existing point of diversion 50 feet upstream of the applicant's diversion point. A recommendation to approve this application is pending review from the Department of Fish and Wildlife.

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation for in-house domestic use.

Chapter 90.54 RCW provides that water allocation shall secure maximum net benefits to the people of the state, while also requiring that perennial rivers of the state shall be retained with base flows necessary to provide for the preservation of fish and other environmental values.

The approval of this application for this quantity and use will not be detrimental to the public interest.

Conclusions

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that surface water is available for in-house single domestic supply. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.02 cubic feet per second

0.5 acre-feet per year

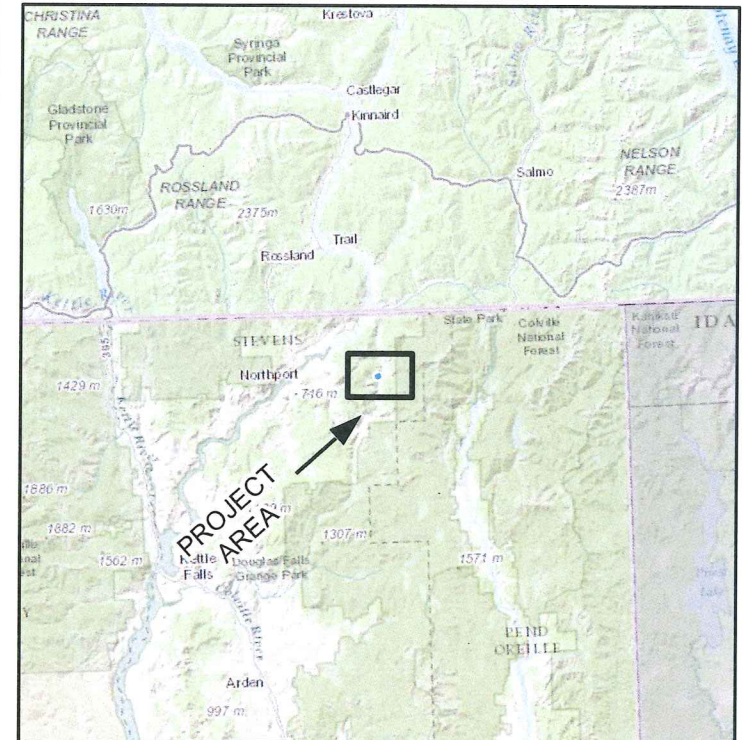
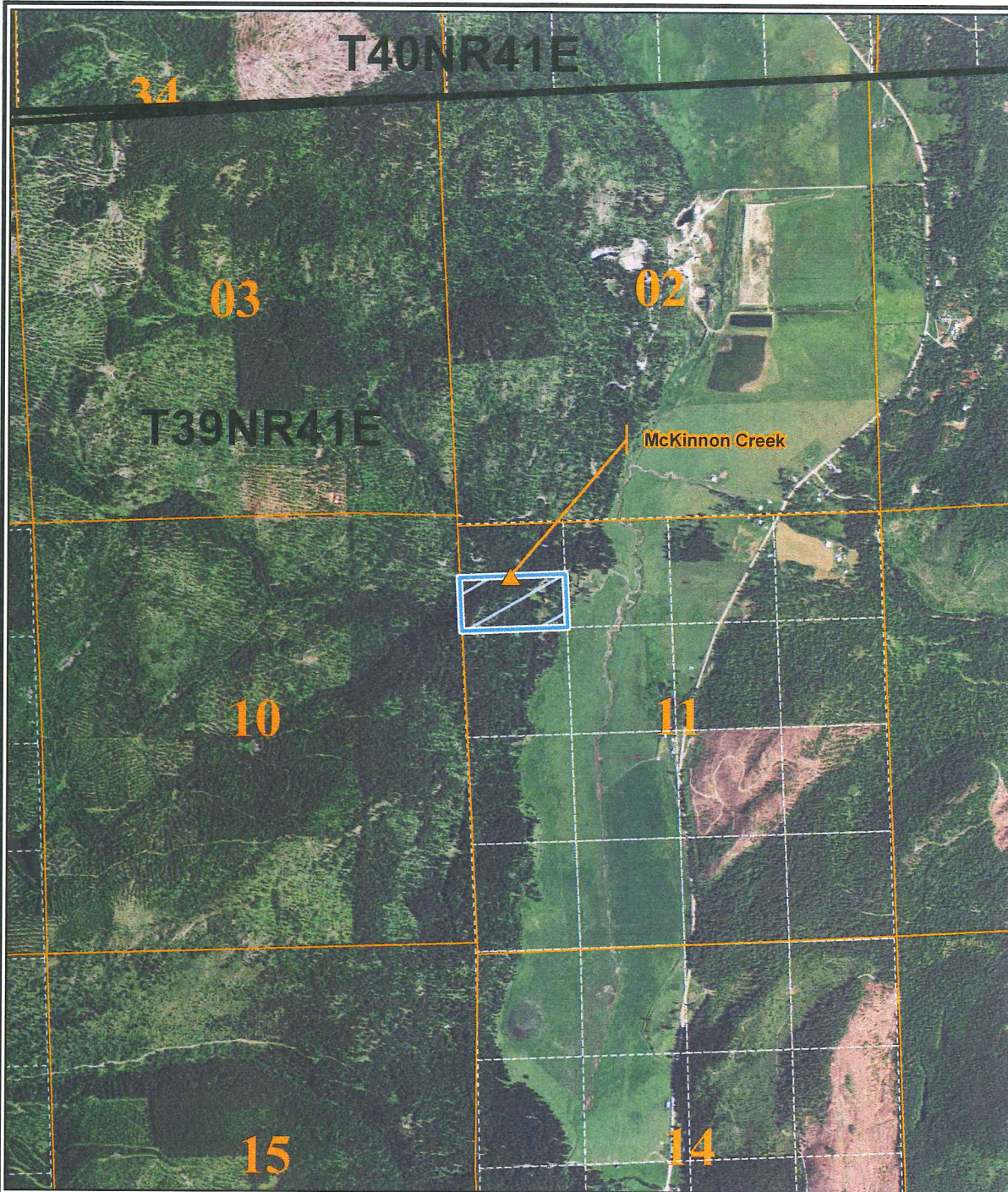
Single domestic supply.


Kevin Brown, Report Writer


Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Billy, Ruth & Michael Walker
S3-30317
T39N/R41E



Legend



Authorized Place of Use



Townships



Sections



Authorized Point of Diversion

0 660 1,320 2,640 3,960 5,280 6,600 Feet
Basemap - (NAIP 2013 1m color)



Map Date: 10/5/2014



Comment:

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.